

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEBORAH D. PETERSON, Personal :
Representative of the Estate of James C. Knipple :
(Dec.) et al., :

Plaintiffs, :

-v- :

ISLAMIC REPUBLIC OF IRAN et al., :

Defendants. :
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10-cv-4518 (KBF)

MEMORANDUM
DECISION & ORDER

KATHERINE B. FORREST, District Judge:

Currently before the Court for approval is the Sixth Report & Recommendation of Special Master Kathleen Massey dated July 13, 2018 (the “Report”). (ECF No. 966.) The Report addresses and resolves a disagreement between attorneys Colleen Delaney (“Delaney”) and Allen L. Rothenberg (“Rothenberg”), which was referred to Special Master Massey by Order dated February 21, 2018 (ECF No. 905).

For the reasons stated below, the Court hereby ADOPTS and CONFIRMS the Report in its entirety.

I. BACKGROUND

On June 7, 2017, the Court appointed Kathleen N. Massey as Special Master in this action to resolve a number of disputes concerning the QSF. (ECF No. 775.) The QSF was established by the Court partially to satisfy a set of judgments entered against Iran for its involvement in the 1983 terrorist attack on the U.S.

Marine barracks in Beirut, Lebanon. The Trustee has since made substantial distributions from the QSF, and distributions remain ongoing.

Following her appointment, Special Master Massey divided the disputes into three separate “tracks,” each involving common legal or factual issues. (ECF No. 777.) The Report at issue in this Memorandum Decision & Order does not relate directly to any of those three tracks, but rather deals with a standalone disagreement between Delaney and Rothenberg regarding the permissibility of Delaney’s attempts to contact certain of the plaintiffs in this and related actions in order to gather evidence in support of her claimed entitlement to certain contingent fees. The Court nonetheless presumes familiarity with Special Master Massey’s previous Reports & Recommendations (ECF Nos. 842, 845, 852, 870, 872, 899, and 962), as well as the Court’s decisions adopting those Reports & Recommendations.

On July 13, 2018, Special Master Massey filed the Report, which addresses and resolves the aforementioned disagreement between Delaney and Rothenberg. (See generally Special Master’s Report & Recommendation (“R. & R.”), ECF No. 966.) The Report recommends, in sum, that the Court deny the relief sought by Delaney in her Letter Notice dated February 16, 2018 (ECF No. 901) as moot based on the Court’s denial of Delaney’s application to intervene in this action. (R. & R. at 8.)

By Order dated July 24, 2018, and pursuant to Fed. R. Civ. P. 53(f)(2), the Court ordered that “any and all objections (or motions to adopt or modify) [the Report] be filed not later than Friday, July 27, 2018.” (ECF No. 975.) No responses

or objections were filed by that deadline; accordingly, the Court considers the recommendations in the Report to be unopposed by the interested parties.

II. LEGAL PRINCIPLES

In acting on a Special Master's report and recommendation, the Court is empowered to "adopt or affirm, modify, wholly or partly reject or reverse, or resubmit to the master with instructions." Fed. R. Civ. P. 53(f)(1). Before doing so, however, the Court must "give the parties notice and an opportunity to be heard." Id. The Court must review de novo any objections to the Special Master's findings of fact and conclusions of law. See Fed. R. Civ. P. 53(f)(3)-(4).

III. DISCUSSION

As previously noted, no party has objected to the Report's recommendation that the relief sought by Delaney be denied as moot. The Court has reviewed the Report and fully agrees with the Special Master's careful and thorough analysis. Accordingly, the Court hereby ADOPTS and CONFIRMS the Report in its entirety.

IV. CONCLUSION

For the reasons stated above, the Court hereby ADOPTS and CONFIRMS the Report in its entirety.

SO ORDERED:

Dated: New York, New York
July 30, 2018



KATHERINE B. FORREST
United States District Judge